

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 PAUL W. SIMONDS,

12 Plaintiff,

13 v.

14 HONORABLE RICHARD A. JONES,

15 Defendant.

CASE NO. C08-1051RSM

ORDER GRANTING MOTION TO  
DISMISS

16 Plaintiff Paul Simonds, appearing *pro se*, initiated this matter in small claims court in King  
17 County, Washington. It was removed to this court by the defendant, a federal district court judge,  
18 pursuant to 28 U.S.C. § 1442(a)(3), which provides for removal where an officer of the courts of the  
19 United States is named as a defendant for acts performed under color of office or in the performance of  
20 his duties. Defendant has now moved to dismiss this action on the basis of judicial immunity. Dkt. # 7.

21 Judges are absolutely immune from civil liability for damages for actions taken in the exercise of  
22 their judicial authority. *Stump v. Sparkman*, 435 U.S. 349, 359 (1978). This immunity insulates judges  
23 even from charges of malicious or corrupt actions. *In re Castillo*, 297 F. 3d 940, 947 (9th Cir. 2002).

24 The complaint here, filed on the small claims court form, describes the nature of the claim as a  
25 “felony-?”, and requests \$4000 in damages. Dkt. # 3-2. To that court form, plaintiff attached a copy of  
26 an order signed by the defendant, in his capacity as a United States District Court Judge, dismissing an  
27 action against a different judge. Dkt. # 3-2, p. 5. Plaintiff also attached a nearly incomprehensible  
28

1 statement, portions of which are set forth here exactly as written:

2 ATTACHMENTS demonstrate against STUPID JONES—  
3 VIOLATIONS of LAW-: ? COMMITTED felony dismissing  
CASE cv08-0346:

4 ATTACHMENTS ARE—THUS-:

5 PG-655—THE DISTRICT court's order manifests  
6 a persistent disregard for the FEDERAL RULES  
of CIVIL PROCEDURE— =352 U.S. – PGS –255-260:  
7 EVIDENCE RULES—101; 102; 103; 201:  
PG-1261—numbers - =7; 8; and - =9 WILLFUL  
8 MISCONDUCT-: ?

9 . . . .

10 18-1001 CLAIM and ISSUE: ?  
And more documents this case- =  
demonstrates; alleges; MORE?  
11 And the STATUTE= 28-2072– JONES VIOLATED- =  
12 FEDERAL RULES OF CIVIL PROCEDURE-60B-4--

13 JONES JUDGEMENT - = DISMISSAL is VOID- - = [sic].

14 Dkt. # 3-2, p. 6. To this document, plaintiff appended a random selection of copies of evidentiary rules,  
15 case headnotes, annotations, and statutes. Dkt. # 3-2, pp. 7-14.

16 One thing that is clear from the small claims form and plaintiff's accompanying statement is that  
17 he is complaining of a judicial act, the dismissal of Cause No. 08-346, and seeking monetary damages.  
18 This case thus falls squarely within the reach of the doctrine of judicial immunity. Plaintiff, in his  
19 numerous responses filed after the motion (Dkt. ## 8, 10, 11, 12, 13, 14) has presented no argument to  
20 overcome the absolute immunity of the defendant in this matter.

21 Accordingly, defendant's motion to dismiss is GRANTED and this action is DISMISSED.  
22 Plaintiff's two pending motions for an Order to Show Cause (Dkt. ## 5, 15) are STRICKEN as moot.

23 DATED this 3<sup>rd</sup> Day of September 2008.

24 

25 RICARDO S. MARTINEZ  
26 UNITED STATES DISTRICT JUDGE  
27  
28